

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHNNIE DELANTRO YOUNG	:	
	:	
v.	:	CIVIL ACTION
	:	
COMMONWEALTH OF PENSSYLVANIA, et al.	:	
	:	No. 10-6112
	:	

ORDER

AND NOW, this 23rd day of May, 2012, upon consideration of the Petitioner's Writ of Habeas Corpus under 28 U.S.C. § 2254 and the Response to the habeas petition, and after careful review of the Report and Recommendation of the United States Magistrate Judge L. Felipe Restrepo, it is hereby **ORDERED** that:

1. The Petitioner's objections (Doc. No. 37) are **OVERRULED**;
2. The Report and Recommendation is **APPROVED** and **ADOPTED**;
3. The Petition for Writ of Habeas Corpus (Doc. No. 27) is **DENIED** and **DISMISSED**;
4. Petitioner's Motion for Judicial Notice (Doc. No. 28) is **DENIED**; and
5. A certificate of appealability shall not issue since, for the reasons set forth in the Report and Recommendation, a reasonable jurist could not conclude that the Court is incorrect in dismissing petitioner's waived habeas claims, and petitioner has not made a substantial showing of the denial of a constitutional right with regard to his remaining claim.

BY THE COURT:

/s/LAWRENCE F. STENGEL
LAWRENCE F. STENGEL, J.